

GOVERNMENT OF TELANGANA

ABSTRACT

Public Services – Commissioner of Labour – Gazetted Establishment - Sri. A. Gandhi, Deputy Commissioner of Labour, Karimnagar – Disobeying the orders of the Collector and District Magistrate, Karimnagar for leaving the head quarters without prior permission - Departmental proceedings under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Articles of Charges - Issued.

LABOUR EMPLOYMENT TRAINING & FACTORIES (Emp-Vig) DEPARTMENT

G.O.RT.No. 407

Dated: 26/05/2016

Read the following:-

- 1) From the COL, TS, Hyd., Lr.No.A1/787/2016, dt.19.2.2016 along with letter of Collector & Magistrate, Karimnagar, Lr.No.A3/166/2016, dt.01.2.2016.
- 2) Govt. Memo No.834/Lab.A1/2016, dt.03.3.2016.
- 3) From the COL, TS, Hyd., Lr.No.A1/787/2016, dt.14.3.2016.
- 4) Govt. Memo No.834/Emp-Vig/A3/2016, dt.04.4.2016.
- 5) From the COL, TS, Hyd., Lr.No.A1/787/2016, dt.19.4.2016.

ORDER:

It is proposed to hold an inquiry against Sri. A.Gandhi, Deputy Commissioner of Labour, Karimnagar, for Disobeying the orders of the Collector and District Magistrate, Karimnagar for leaving the head quarters without prior permission, in accordance with the procedure laid down in rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure – II & III).

3. Sri. A.Gandhi, Deputy Commissioner of Labour, Karimnagar is directed to submit written statement of his defence within (10) days from the date of receipt of this Order.

4. Sri. A.Gandhi, Deputy Commissioner of Labour, Karimnagar is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri. A.Gandhi, Deputy Commissioner of Labour, Karimnagar is further informed that if he does not submit his written statement of defence on or before the period specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri. A.Gandhi, Deputy Commissioner of Labour, Karimnagar is invited to Rule 24 of the A.P. Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of

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matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the A.P. Civil Service (Conduct) Rules, 1964.

7. The receipt of the orders may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. A.ASHOK
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
Sri. A.Gandhi, DCL, Karimnagar, through the Commissioner of Labour,
Telangana State, Hyderabad.
Encls: Annexures I to III

The Commissioner of Labour, Telangana State, Hyderabad. With a direction to serve the AoC on the individual under proper acknowledgement. He is also requested to send the acknowledgement to the Govt.

SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER (FAC)

ANNEXURE – 1

DRAFT STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI A. GANDHI, DEPUTY COMMISSIONER OF LABOUR, KARIMNAGAR DISTRICT

Article:

That the said Sri A. Gandhi, Deputy Commissioner of Labour, Karimnagar District while functioning as Deputy Commissioner of Labour, Karimnagar District during the period of January, 2016, by his acts of lack of devotion to duties, integrity and behaving in a manner which is derogatory to the prestige of Government, which conduct is unbecoming on the part of a Govt. Servant. Thus Sri A. Gandhi violated the provisions of Rule 9 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

BASIS OF THE CHARGE:

Through Lr.No.A3/166/2016, dated.01.2.2016, the Collector & District Magistrate, Karimnagar has stated that District Officers / Divisional Officers were strictly instructed to not to leave the Head Quarters without prior permission from the undersigned.

Further it is stated that, during the period since December, 2015 certain disturbances are taking place between migrant labour of Orissa state working in Brick manufacturing Units in Peddapalli Division of the District with the owners of the brick units, due to which untoward incidents are taking place. Accordingly the Deputy Commissioner of Labour, Karimnagar was instructed to closely monitor the issue in order to not to give any scope for unforeseen incidents to take place further he was strictly informed not to leave the Head quarters without prior permission from District Administration.

It is further stated that on 24.01.2016 a family member of Orissa migrant labour by name Smt. Andla Goud native of Debaguda G.P. town Chancha, Navrangpur District of Orissa state expired due to ill – health at M/s VBC Bricks, Raghavapur (V) of Peddapalli Mandal, Karimnagar District. To address the issue when the District Administration tried to contact the Deputy Commissioner of Labour, Karimnagar he was not available in the head quarter, he was not even available over phone, he has left the station without permission. Due to which serious inconvenience occurred to the District Administration. Thus it is established that, the individual is not having interest to discharge his duties.

Stating the above it is requested to arrange for initiation of suitable action against Sri A.Gandhi, Deputy Commissioner of Labour, Karimnagar District for the above lapse and also requested to shift the individual from the District.

The Government in Memo No.834/Lab.A1/2016, dated.03.3.2016 directed to call for explanation of Sri A. Gandhi, Deputy Commissioner of Labour, Karimnagar on the report of the Collector & District Magistrate, Karimnagar.

Explanation was submitted by Sri A. Gandhi, Deputy Commissioner of Labour, Karimnagar. In his explanation, he stated that on 22nd January, 2016, on his personal urgent affairs, he has applied to the Joint Commissioner of Labour, Warangal requesting to grant casual leave on 23rd and 25th January, 2016 with permission to avail himself of Public Holiday (Sunday) falling on 24th January, 2016 and to leave the Head Quarters. He further stated that on 22nd January,

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2016 itself he has emailed the leave to the Joint Commissioner of Labour, Warangal, Commissioner of Labour, Telangana State, Hyderabad, and also to the Collector, Karimnagar and dispatched hard copies. He further stated that on the evening of 22nd January, 2016 when he spoke to Joint Commissioner of Labour, Head Office, Hyderabad the receipt of the leave letter through email was confirmed. He further stated that due to some incident occurred on 24th January, 2016 (Sunday), at Peddapalli, a call from Collector came to his mobile at 3.30 P.M. since his mobile was under silence mode, he could not lift the phone. He further stated that at 5.30 P.M. he has seen the message of the Collector, "speak immediately", and accordingly he spoke to the Collector, cancelled his leave on 25th January, 2016 and reported to the Collector at 11.00 A.M. of 25th January, 2016. He further stated that when he reported before the Collector she expressed her anger and he tendered apology. He further submitted that, during his absence on Sunday i.e. 24th January, 2016 the Asst. Commissioner of Labour, Karimnagar has attended to the work assigned by the Collector. Submitting the above he has requested to drop further action if any against him.

After examination of the explanation with reference to the letter of the Collector it was observed that the Collector & District Magistrate, Karimnagar had instructed all the District Officers on 18.01.2016 not to leave headquarters without her permission well in advance, but the individual made leave application dated.22.01.2016 which was mailed to the Collector was at 4.35 P.M., which appears on the face of it that he had not taken permission well in advance. Further he was instructed to closely monitor the issues of the migrant workers without giving any scope for unforeseen incidents and also he was instructed not to leave headquarters without prior permission from the district administration, which might have ultimately led to disturbance on sudden demise of a migrant worker placing the Collector in an embarrassing situation in handling the situation. The statement of the DCL in his explanation that the Commissionerate was also informed about his leave application is not correct as the same is not corroborated with the acknowledgment of e-mail which does not contain the details of the mail sent to the Commissionerate. The hard copy of the leave application was received by Commissionerate on 03.2.2016, which is much after the availment of the leave.

Thus Sri A. Gandhi, Deputy Commissioner of Labour, Karimnagar District by his above mentioned acts has exhibited lack of devotion to duty, integrity, discipline and a sense of propriety and also exhibited conduct unbecoming of member of service which is derogatory to the prestige of the Government and thereby clearly contravened Rule 9 of Andhra Pradesh Civil Service (Conduct) Rules, 1964.

Thus the Government servant has therefore rendered himself liable for departmental action.

Dr. A.ASHOK
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

ANNEXURE-II

LIST OF DOCUMENTS BY WHICH THE DRAFT ARTICLE OF CHARGE FRAMED AGAINST SRI A. GANDHI, DEPUTY COMMISSIONER OF LABOUR, KARIMNAGAR DISTRICT ARE PROPOSED TO BE SUSTAINED

- 1) Lr.No.A3/166/2016, dated.01.2.2016 of the Collector & District Magistrate, Karimnagar.
- 2) Letter of Sri A.Gandhi, Deputy Commissioner of Labour, dated.22.01.2016 addressed to the JCL, Warangal, under copy to Commissioner of Labour, Telangana & Collector, Karimnagar received in the Commissionerate on 03.2.2016.
- 3) Commissioner of Labour, Lr.No.A1/787/2016 dated.19.2.2016 addressed to the Government.
- 4) Memo No.A1/787/2016 dated.22.2.2016 of the Commissioner of Labour, Telangana to Sri A.Gandhi.
- 5) Lr.No.A/444/2016, dt.27.2.2016 of Deputy Commissioner of Labour, Karimnagar District along with copy of leave application dated.22.01.2016 & acknowledgment of E-mail.
- 6) Government Memo No.834/Lab.AI/2016, dated.03.3.2016.
- 7) Lr.No.A1/787/2016, dated.14.3.2016 of the COL, Telangana.
- 8) Government Memo No.834/Lab.AI/2016, dated.04.4.2016.

Dr. A.ASHOK
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

ANNEXURE-III

**LIST OF WITNESSES BY WHOM DRAFT ARTICLE OF CHARGE FRAMED
AGAINST SRI A.GANDHI, DEPUTY COMMISSIONER OF LABOUR,
KARIMNAGAR DISTRICT ARE PROPOSED TO BE SUSTAINED**

Smt. M. Neelamma, Assistant Commissioner of Labour (SSS),
Karimnagar.

Dr. A.ASHOK
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)